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10/063,739

05/09/2002

Yin-Chun Huang

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03/19/2007

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EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2625

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/063,739

Applicant(s)

HUANG ET AL.

Examiner

Heather D. Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed November 16, 2006 has been entered and made of record. Claims 1-64 are pending.

Response to Arguments

2. Applicant's arguments see pages 15-22, filed, with respect to Claims 1-19 have been fully considered and are persuasive. The rejection of June 09, 2006 has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-12, 20-31, 40-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (US Patent Publication 2003/0058488) in view of Chiu (US Patent Publication 2002/0118401).

For claim 1, Hsu teaches a floating window, suitable for use in a flatbed scanner, wherein the flatbed scanner comprises at least a top lid having an opening therein and an optical scan module, and the optical scan module periodically shifts under the

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opening; the floating window, comprising: a transparent flat panel 1300, disposed under the opening and having a top surface and an opposing bottom surface; a supporting member 1510, located on a surface of the top lid, the supporting member 1510 having a supporting surface which is in contact with a periphery of the bottom surface of the transparent flat pane (See Figs 4-5; The supporting member can be used in place of the linking bar 1600. See Paragraph 0028); a limiting member 1700, located on the surface of the top lid, the limiting member [holding fixture] having a limiting surface disposed on a periphery of the top surface of the transparent flat panel (Paragraph 007); and a flexible member 1600, disposed between the top surface and the limiting surface (Fig 3 Page 2 Paragraphs 0024-0025,0029).

Hsu does not disclose expressly wherein when the optical scan module pushes the bottom surface of the transparent flat panel upward, the flexible member presses the top surface of the transparent flat panel downward accordingly.

Chiu discloses wherein when the optical scan module pushes the bottom surface of the transparent flat panel upward; the flexible member presses the top surface of the transparent flat panel downward accordingly (Fig 6; Paragraphs 0028-0029).

Hsu & Chiu are combinable because they are from the same field of endeavor, scanning devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Chiu with Hsu.

The suggestion/motivation for doing so would have been to adjust the optical scanning module so that it can focus on the document's surface.

Therefore, it would have been obvious to combine Chiu with Hsu to obtain the invention as specified in claims cited above.

Regarding claim 2, which is representative of claims 9, Hsu teaches wherein the optical scan module comprises a pushing device disposed on top of the optical scan module, such that the optical scan module pushes the transparent flat panel upward via the pushing device (Fig 5). Hsu, when combined with Chiu, the optical scanning module of Chiu will be linked to the linking bars 1600 for vertical/horizontal movement.

For claim 3, which is representative of claims 10, Hsu teaches expressly wherein the pushing device slides under the bottom surface of the transparent flat panel (Figs 4-5).

For claim 4, which is representative of claims 11, Hsu teaches wherein the pushing device rolls horizontally under the bottom surface of the transparent flat panel (Figs 4-5; Paragraph 0026). Also See Chiu Paragraph 0028 and Fig 6.

For claim 5, which is representative of claims 12, Hsu teaches wherein the transparent flat panel extends to a region beyond the opening, while the moving area of the pushing devices includes a part of the region beyond the opening (Figs 2, 4-5).

Considering claim 6, Hsu teaches wherein the supporting member is integrally formed with the surface of the top lid (Fig 5).

For claim 7, Hsu discloses wherein the limiting member is integrally formed within the surface of the top lid (Figs 2-3; Paragraph 007).

Regarding claim 8, Hsu teaches a floating window, applicable to a flatbed scanner, which comprises at least a top lid and an optical scan module, wherein the top

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lid comprises an opening therein, and the optical scan module periodically moves under the opening, the floating window comprising: a transparent flat panel 1300, located under the opening and comprising a top surface and an opposing bottom surface; a flexible member 1600, located between a periphery of the top surface of the transparent flat panel and a bottom wall surrounding the opening of the top lid, wherein the optical scan module pushed the bottom surface of the transparent flat panel upward (Fig 3; Page 2 Paragraphs 0024-0025, 0029; Fig 5; when the pushing device slides under the bottom surface the linking bar 1600 will provide horizontal and vertical movement).

Upon applicant's admission, support for the claims 20-31 can be found in originally filed claims 1-12, support for claims 40-59 can be found in originally filed claims 1-12.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 13-19, 32-39, 60-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (US Publication 2003/0058488).

For claim 13, Hsu teaches a floating window, suitable for use in flatbed scanner, wherein the flatbed scanner comprised at least a top lid comprising an opening therein

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and an optical scan module, and the optical scan module periodically shifts under the opening, the floating window comprising: a transparent flat panel 1300, disposed under the opening and comprising a top surface and an opposing bottom surface; a supporting member 1510, located on a surface of the top lid, the supporting member comprising a supporting surface which is in contact with a periphery of the bottom surface of the transparent flat panel; and a limiting member 1700, located on the surface of the top lid, the limiting member comprising a limiting surface disposed on a periphery of the top surface of the transparent flat panel, wherein a distance between the supporting surface and the limiting surface is slightly larger than a thickness of the transparent flat panel to allow the transparent flat panel to move vertically, and the optical scan module is allowed to push the bottom surface of the transparent flat panel upward (Fig 5; Paragraph 0025).

For claim 14, Hsu teaches wherein the optical scan module comprises a pushing device disposed on top of the optical scan module, such that the optical scan module pushes the transparent flat panel upward via the pushing device (Fig 5).

For claim 15, Hsu teaches expressly wherein the pushing device slides under the bottom surface of the transparent flat panel (Figs 4-5).

For claim 16, Hsu teaches wherein the pushing device rolls horizontally under the bottom surface of the transparent flat panel (Figs 4-5; Paragraph 0026).

For claim 17, Hsu teaches wherein the transparent flat panel extends to a region beyond the opening, while the moving area of the pushing devices includes a part of the region beyond the opening (Figs 2, 4-5).

For claim 18, Hsu teaches wherein the supporting member is integrally formed with the surface of the top lid (Fig 5).

For claim 19, Hsu teaches wherein the limiting member is integrally formed within the surface of the top lid (Figs 2-3; Paragraph 007).

As for claims 35 and 62, Hsu teaches wherein the pushing device comprises a cam 1900 that slides under the bottom surface of the transparent flat panel (Paragraph 0029).

As for claims 36 and 63, Hsu teaches wherein the pushing device comprising a rolling drum 1910 that rolls horizontally under the bottom surface of the transparent flat panel (Paragraph 0029).

Regarding claim 60, Hsu teaches a method, comprising: pressing a bottom of transparent flat panel of a flatbed scanner toward a top lid of the flatbed scanner by an optical scan module that shifts under the transparent flat panel, the top lid comprising an opening, a supporting member 1510 and a limiting member 1700, the opening being disposed adjacent to a top surface of the transparent flat panel, the supporting member comprising a supporting surface disposed adjacent to the bottom surface of the transparent flat panel, and the limiting member being disposed adjacent to a peripheral portion of the top surface of the transparent flat panel; and pressing the top surface of the transparent flat panel away from the top lid (Fig 5; Paragraph 0025).

Considering claim 61, Hsu teaches wherein pressing the bottom surface comprises pressing the bottom surface toward the top lid by a pushing device of the optical scan module (Fig 3; Page 2 Paragraphs 0024-0025, 0029; Fig 5).

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Regarding claim 64, Hsu teaches wherein pressing the top surface comprising pressing the top surface away from the top lid by a flexible member disposed between the top surface of the transparent flat panel and the top lid (Fig 3 Page 2 Paragraphs 0024-0025,0029).

For claim 65, Hsu teaches a flatbed scanner, comprising: pressing a bottom of a transparent flat panel of a flatbed scanner toward a top lid of the flatbed scanner by an optical scan module that shifts under the transparent flat panel, the top lid comprising an opening being disposed adjacent to a top surface of the transparent flat panel; and pressing the top surface of the transparent flat panel away from the top lid (Fig 5; Paragraph 0025)

Considering claim 66, Hsu discloses wherein pressing the bottom surface comprising pressing the bottom surface toward the top lid by a pushing device for the optical scan module (Figs 4-5).

Considering claim 67, Hsu discloses wherein pressing the bottom surface comprises pressing the bottom surface toward the top lid by a cam that slides under the bottom surface of the transparent flat panel (Paragraph 0029).

For claim 68, Hsu discloses wherein pressing the bottom surface comprises pressing the bottom surface toward the top lid by a pushing drum that rolls horizontally under the bottom surface of the transparent flat panel (Paragraph 0029).

Regarding claim 69, Hsu teaches wherein pressing the top surface comprises pressing the top surface away from the top lid by a flexible member disposed between

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the top surface of the transparent flat panel and the top lid (Fig. 3 Page 2 Paragraphs 0024-0025, 0029).

Upon applicant's admission, support for the claims 32-39 can be found in originally filed claims 13-19, support for claims 60-64 can be found in originally filed claims 1-4, and support for claims 65-69 can be found in claims 8-11, and hence are rejected accordingly.

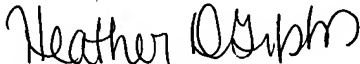
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Heather D Gibbs
Examiner
Art Unit 2625

hdg


AUNG S. MOE
SUPERVISORY PATENT EXAMINER
3/15/07